



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Labor and Training
DIVISION OF WORKERS' COMPENSATION
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Informational Letter 03-10
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RHODE ISLAND WORKERS' COMPENSATION ACT
2003 LEGISLATIVE HIGHLIGHTS

The purpose of this letter is to bring to your attention the significant changes made during the 2003 legislative session that impact the Rhode Island Workers' Compensation (WC) Act.

2003-H 5600 SUBSTITUTE A -- Relating to Workers' Compensation:

28-29-6.1. Secondary provision of workers' compensation insurance. Amended to provide that if the workers' compensation insurance carrier has to pay benefits to the employee of an uninsured subcontractor, the carrier will have the right of indemnification against either the uninsured subcontractor, uninsured general contractor or uninsured construction manager.

28-30-13. Controversies submitted to court. Amended to include issues regarding the failure of an employer to have WC insurance as a controversy over which the WC court has jurisdiction, including the suspension of a business operation.

28-33-7. Health service provider reimbursement. Amended to add language to include charges for opinions on loss of use and maximum medical improvement.

28-33-17.3. Fraud and Abuse. Strengthens language pertaining to violations against any employer who fails to secure and maintain workers' compensation coverage, including an increase in the term of imprisonment.

28-33-18.3. Continuation of benefits – Partial incapacity. Postpones the definition of material hindrance to injuries occurring on or after July 1, 2001.

28-33-34. Physical examination by employer's physician – Report. Grammatical correction.

28-35-12. Petition for determination of controversy – Contents and filing. Removes language pertaining to a court hearing to determine the question of liability and the payment of compensation when there is a matter of controversy and multiple insurers who cannot agree and allows for a resolution at pretrial.

28-35-46.1. Termination of payment – Accounting. Amended to require an itemized statement of accounting only for those cases falling under section 28-33-18(d).

28-36-15. Penalty for failure to secure compensation – Personal liability of corporate officers. Changes the charge against an employer for failing to secure compensation from a misdemeanor to a felony. This section has many amendments relating to failing to secure compensation, including the director's ability to suspend the operation of a business.

28-37-12. Commutation of payments not allowed. This section, under Workers' Compensation Administrative Fund, was repealed to permit commutation of Administrative Fund cases.

All of the above take effect as of July 31, 2003.